

## REMARKS

Applicants respectfully request consideration of the subject application.

This Response is submitted in response to the Office Action mailed July 11, 2007.

Claims 1-32 are pending. Claims 1-32 are rejected. In this Amendment, claims 1, 6, 22 and 24 have been amended and claim 16 has been cancelled. No new matter has been added.

### 35 U.S.C. § 103 Rejections

The Examiner has rejected claims 1-8, 9 and 22-25 under 35 U.S.C. § 103(a) as being unpatentable over Tenerz, et al. (US Patent No.: 4,941,473, hereinafter "Tenerz") in view of Engelson (US Patent No.: 5,599,492, hereinafter "Engelson") and Einzig, (U.S Patent No.: 5,178,153, hereinafter "Einzig"), claims 11-17 and 19-21 under 35 U.S.C. § 103(a) as being unpatentable over Tenerz in view of Engelson and Einzig and further in view of Jafari (US Patent No.: 5,980,471, hereinafter "Jafari") and Hurtak, et al. (US Patent No.: 6,458,088 hereinafter "Hurtak") and claims 29-31 under 35 U.S.C. § 103(a) as being unpatentable over Tenerz in view of Engelson and Einzig and further in view of Amundson, et al. (US Patent No.: 6,178,346 hereinafter "Amundson").

The cited art fails to teach or suggest all of the limitations of independent claim 1 including:

An apparatus comprising:

a therapeutic guidewire having a high strength proximal core section and flexible distal core section having a distal tip; and

at least one optical fiber slideably disposed through the therapeutic guidewire, the optical fiber configured to sense and transmit diagnostic information from at least one of before, during, and after a therapeutic treatment, the at least one optical fiber slideable to be exposed to a vessel through the distal tip.

In particular, the cited art fails to teach or suggest an apparatus having an optical fiber slideable within a guidewire and through a distal tip of the guidewire to expose an optical fiber to a vessel.

Einzig describes a fluid flow sensing apparatus that uses optical fibers to measure fluid pressure between first and second optical fiber sensors. Using the differential pressure between the two sensors, Einzig determines the fluid flow in the vessel.

Einzig fails to describe the sensors extending outside the guidewire.

Einzig also fails to describe an optical fiber that is slideable within a guidewire.

Instead, Einzig explains that “generating the differential pressure requires that the fluid must go through an abrupt change in flow area as at 400 followed by an equally abrupt return to normal or at 402.” Figure 24 illustrates a device that does not have an abrupt change in flow area in the catheter; instead, the abrupt change in flow results from the stenosis in the vessel. In either case, the

optical fiber is not slideable; instead, the catheter in Einzig is positioned at an appropriate location and used to determine the flow rate.

Tenerz describes a guidewire having a pressure sensor positioned at a distal end of a guidewire. The pressure sensor is coupled with a proximal end of the guidewire with an optical fiber. Tenerz also fails to describe the pressure sensor or the optical fiber extending outside the guidewire or the pressure sensor being slideable relative to the guidewire.

Engelson describes a guidewire having a wire core, the distal end of which is encased in a polymer sleeve. Engelson also fails to describe an optical fiber extending outside the guidewire being slideable relative to the guidewire.

Jafari describes a guidewire having a high strength proximal core section and a flexible distal core section. Jafari also fails to describe an optical fiber extending outside the guidewire being slideable relative to the guidewire.

Hurtak describes a guidewire made from a non-metallic material with a specific electric impedance. Hurtak also fails to describe an optical fiber extending outside the guidewire being slideable relative to the guidewire.

Amundson describes an infrared endoscopic imaging system. A catheter having fiber optics is inserted into the vasculature. Amundson also fails to describe an optical fiber extending outside the guidewire being slideable relative to the guidewire.

Claims 6, 22 and 24 also include limitations relating to the optical fiber being slideable relative to a guidewire and the fiber being exposable through the guidewire.

Thus, the cited art fails to teach or suggest all of the limitations of independent claims 1, 6, 22 and 24. Claims 2-5, 7-21, 23 and 25-32 depend, directly or indirectly, from one of the foregoing independent claims. Applicants, accordingly, respectfully request withdrawal of the rejections under 35 U.S.C. § 103.

Applicants respectfully submit that the present application is in condition for allowance. If the Examiner believes a telephone conference would expedite or assist in the allowance of the present application, the Examiner is invited to call Jennifer Hayes at (408) 720-8300.

Please charge any shortages and credit any overages to Deposit Account No. 02-2666. Any necessary extension of time for response not already requested is hereby requested. Please charge any corresponding fee to Deposit Account No. 02-2666.

Respectfully submitted,  
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